

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

DANIEL JAMES SILVA

Plaintiff,

v.

Case No. 4:19-cv-286-RH/MJF

TAYLOR ALISON SWIFT

Defendant.

**DEFENDANT'S SECOND SUPPLEMENT TO MOTION TO DECLARE
PLAINTIFF A VEXATIOUS LITIGANT AND SECOND SUPPLEMENT TO
MOTION FOR PROTECTIVE ORDER**

On May 19, 2020, Plaintiff, Daniel James Silva, drove across state lines to a Swift family home in Nashville, Tennessee, wearing a bullet proof vest, and unlawfully came upon the Swift's property. He claims to have done so for the purposes of (1) serving an "Affidavit" he had drafted, in which he refers to the Honorable Marcia Morales Howard as a "bitch" and threatens criminal proceedings against, essentially, the entire federal judiciary in Florida, and (2) making a "citizen's arrest" of Taylor Swift and anyone in the same residence. Silva said as much in a video that he posted on YouTube, where he divulged a home address, implicitly encouraging others to do so as well. Silva was arrested for trespass, taken away by police in handcuffs, thereafter made bail, and will be arraigned in Tennessee on June 19, 2020. It is apparent from the bullet proof vest Silva wore that he poses

a serious and legitimate threat of harm to the Swifts and potentially other law-abiding members of the community. Respectfully, it is time for this Court to take immediate action and dismiss this case with prejudice, enter a protective order, declare Silva a vexatious litigant, refer Silva to the United States Attorney, and put an end to this multi-year and multi-jurisdictional litigious campaign initiated by a deranged, vexatious, and dangerous plaintiff.

1. On February 27, 2020, Defendant filed a Motion to Dismiss Silva's frivolous lawsuit. (Dkt. 74.) That motion is fully briefed and ready for the Court to rule.

2. On February 27, 2020, Defendant also filed a Motion to Declare Silva a vexatious litigant, laying out years of improper and abusive litigation activity that Silva has engaged in, including previously visiting a Swift family home on two occasions. (Dkt. 75.) Defendant filed a Supplement to this Motion on April 28, 2020, alerting the Court to numerous additional improper and abusive communications from Silva. (Dkt. 91.) That motion is fully briefed and ready for the Court to rule.

3. On May 12, 2020, Defendant filed a Motion for Protective Order ("Motion") alerting the Court to Silva's escalating communications, in both tone and frequency, and seeking the Court's protection in a number of ways. (Dkt. 100.) The relief requested in the Motion included a request that Silva cease all communications

and threats, as well as a request that he stay away from any Swift family residence. (*Id.* at 7-8.)

4. Almost immediately upon receipt of the filing, Silva sent four emails in quick succession, including a taunting email telling Defendant that “she will be arrested long before that no contact order mwhahah.” (Dkt. 101, Exhibit 114). On May 13, 2020, Defendant filed a Supplement to the Motion for Protective Order providing the Court copies of these four emails. (*See* Dkt. 101.)

5. In the eight days since that filing, Silva has continued to send improper and threatening emails and, on May 19, 2020, Silva drove to a Swift family residence in Tennessee. At the Swift residence, Silva was arrested for trespass and taken away in handcuffs. A copy of the Nashville Police Department Information Notice is attached at Exhibit 117. Notably, Silva arrived at the residence with a bullet proof vest—an act consistent with the increasingly violent tone of his emails and his threat to “arrest” Defendant. A picture of the vest is attached at Exhibit 118. By his own admissions, Silva went to the residence (1) to serve certain papers on Defendant, and (2) follow through on his repeated and escalating threat to make a citizen’s arrest of Defendant.

6. One of those papers was an “Affidavit” from Silva, which he provided to law enforcement at the scene. A copy of the Affidavit is attached at Exhibit 119. The Affidavit contains many familiar, frivolous claims by Silva that by defending

the lawsuits he has filed against Defendant, she and her lawyer have somehow engaged in crimes. Separately, Paragraphs 6 and 7, in particular, detail Silva's view that he could make a citizen's arrest of Defendant or anyone at the Swift family home. (Exhibit 119 ¶¶ 6-7.) Additionally, in Paragraph 10 Silva articulates his view that he has "amazing leverage" over "the state of Florida" and numerous federal judges there. (*Id.* ¶ 10.) He also calls the Honorable Marcia Morales Howard a "bitch." (*Id.*) This language sheds light not only on Silva's continued disrespect and aggression toward the Court, but also his determination to trespass on Defendant's property and physically detain Defendant and/or members of her family.

7. As noted above, Silva has also continued to send inappropriate and threatening emails to defense counsel. Copies of Silva's additional eleven emails are attached hereto:

- May 14, 2020 email from Daniel Kelter to Douglas Baldrige and Katie Wright Morrone with subject line "This is it . . . ," stating "im in Nashville now ive spent all morning talking to police and detectives . . . your misery [Defendant] has only just begun" (Exhibit 120);
- May 16, 2020 email from Daniel Kelter to Douglas Baldrige and Katie Wright Morrone with subject line "tomorrow is the day," stating "the court have abandoned you two criminals, im coming to have [Defendant] arrested at [a Swift family home] tomorrow ill be unarmed but wearing a bullet proof vest" (Exhibit 121);
- May 18, 2020 (10:20 am) email from Daniel Kelter to Douglas Baldrige and Katie Wright Morrone with subject line "ill be there today," detailing his belief this his cousin in Ireland is being abused (Exhibit 122);

- May 18, 2020 (10:21 am) email from Daniel Kelter to Douglas Baldrige and Katie Wright Morrone with subject line “be there soon,” stating the he would be at the Swift family residence “around 5” because he “need[s] to serve these papers” (Exhibit 123);
- May 18, 2020 (11:00 am) email from Daniel Kelter to Douglas Baldrige and Katie Wright Morrone with subject line “2 devices,” stating that he would be recording his visit to the Swift family home with two phones and “see ya soon” (Exhibit 124);
- May 19, 2020 (11:28 am) email from Daniel Kelter to Douglas Baldrige with subject line “funny story,” explaining that he was on his way to the Swift family residence “yesterday” but got pulled over and “had a weed pipe in the car and had to toss [it] out the window” (Exhibit 125);
- May 19, 2020 (11:29 am) email from Daniel Kelter to Douglas Baldrige with subject line “today,” stating that he would be at the Swift family residence “around 530 today” and claiming he held Defendant’s fate in his hands (Exhibit 126);
- May 19, 2020 (11:41 am) email from Daniel Kelter to Douglas Baldrige and Katie Wright Morrone with subject line “i cant wait around anymore,” stating “i cant wait anymore at least one of my family members is being abused, i need to go save them [Defendant] and your going to help me” (Exhibit 127);
- May 19, 2020 (4:20 pm) email from Daniel Kelter to Douglas Baldrige with subject line “see u soon my dear rival,” attaching a screenshot from Google Maps showing he was less than three hours from his destination (the Swift family residence) (Exhibit 128);
- May 21, 2020 (3:54 am) email from Daniel Kelter to Douglas Baldrige and Katie Wright Morrone with subject line “my fun time at Harding place,” including a link to a YouTube video Silva posted of his visit to the Swift family residence (Exhibit 129);

- May 21, 2020 (3:56 am) email from Daniel Kelter to Douglas Baldridge and Katie Wright Morrone with subject line “wrongful arrest” and including a gif of a cartoon character counting money (insinuating that Silva will make a lot of money based on his “wrongful” arrest) (Exhibit 130).

8. The May 21 emails were sent after Silva had been released from jail in Tennessee. Notably, the YouTube video link contained in Exhibit 129 contains insight into Silva’s intent for his trip to the Swift family residence:

- Silva to private security personnel: “do I need to call the police or is she coming out?”
- Silva conversation with a Nashville police officer: “She’s a felon, she’s actually wanted under federal law. So, I can come here and try to arrest her. Obviously I don’t have the guidance so I can’t like enforce the citizen’s arrest, but I have the right to do it. [Police Officer: Okay, well you don’t. You don’t have the right to go on someone’s property.] If I think that that’s where a felon’s being held, yes I do. I’m not bound by the Fourth Amendment right like you are.”

The YouTube video also demonstrates how calculating Silva is. When a police officer asked if Silva had ever been to the Swift family residence before, Silva responded with “Uh, I’ve been here once or twice, legally.” The police officer then asked if Silva had been told not to come back and Silva responded: “I haven’t had no trespassing warrant.” Silva conveniently leaves out the fact that he has, in fact, previously been ordered to have “NO contact with Defendant, its counsel, or Taylor Swift” *see Silva v. TAS Rights Management*, 3:18-cv-688 (M.D. Fla.) (“*Silva III*”) (Dkt. 46), and that a prior lawsuit had been dismissed with prejudice as a sanction for his “willful[] and egregious[]” violation of that Order when he drove to, and

deposited items at, the very same residence. *Silva III*, Dkt. 66.

9. Silva knows exactly what he is doing and has been emboldened by the ongoing legal process here. And while Silva may claim that he was innocently attempting to serve papers on Defendant,¹ his repeated presence at the house; his statements in the Affidavit, the YouTube video, and emails to defense counsel; and his body armor show an intent to inflict real harm. Silva is playing a dangerous game and is using the litigation in this court as a vehicle to do so.

10. If it were not before, it is now abundantly clear that without a Court Order directing Silva not to engage in vexatious and dangerous conduct—and a directive that the order continues after the termination of this lawsuit—he will continue to do so. At this point, any continued delay by the Court puts Defendant and those around her in real, tangible danger. It is time for the Court to act.

WHEREFORE, Defendant respectfully submits the foregoing Second Supplement to her Motion to Declare Silva a Vexatious Litigant and Second Supplement to her Motion for Protective Order and requests that the Motions be granted.

¹ To the extent Silva claims to have gone to the Swift family residence to serve summary judgment papers, there is no reason for that filing to be personally hand-delivered when it can be filed electronically or by mail on the Court's docket. Silva knows this, as he has filed motions for summary judgment numerous times in his cases against Defendant and related entities, including twice in this case alone. *See, e.g.*, Dkts. 13, 77; *Silva v. Swift*, No. 3:17-cv-292 (M.D. Fla.) ("*Silva I*") (Dkt. 17); *Silva III*, Dkt. 16.

May 21, 2020

Respectfully Submitted,

/s/ J. Douglas Baldrige

J. Douglas Baldrige

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WORD LIMIT CERTIFICATION

Pursuant to N.D. Fla. Local Rule 7.1, I hereby certify that this Second Supplement to Defendant's Motion for Protective Order is in compliance with the Court's word limit. According to the word processing program used to prepare this document, the total number of words in the document, inclusive of headings, footnotes, and quotations, and exclusive of the case style, signature block, and any certificate of service is 1855 words.

/s/ J. Douglas Baldridge
J. Douglas Baldridge

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on May 21, 2020 a copy of the foregoing was filed with the Clerk of the Court using the Court's CM/ECF system. A true and correct copy of the foregoing was also sent by first-class mail to Daniel James Silva, P.O. Box 16171, Tallahassee, FL 32308.

/s/ J. Douglas Baldridge
J. Douglas Baldridge